

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

JOHN W. MANNING  
ADC #47026-079

PLAINTIFF

v.

No. 2:18-cv-92-DPM

S. MAYBERRY, Correctional Officer,  
FCI-Forrest City Medium

DEFENDANT

ORDER

1. On *de novo* review, the Court partly adopts and partly declines the recommendation. *No* 7. The Court partly sustains Manning's objections. *No* 10. FED. R. CIV. P. 72(b)(3).

2. The Court adopts the recommendation as to Manning's claim about threats to his family. He can't pursue claims on their behalf.

3. Manning says that Mayberry told other inmates that he reported his cellmate for smoking. Manning says this put him at risk of being attacked by other inmates and caused him emotional distress. The Court concludes that this failure-to-protect claim is sufficient to survive screening. *Irving v. Dormire*, 519 F.3d 441, 450-51 (8th Cir. 2008).

4. The Court returns this case to the Magistrate Judge for service and further proceedings.

So Ordered.

DP Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

13 August 2018